

**ORDINANCE\_\_\_\_\_**

**AN ORDINANCE ADOPTING TITLE 9, CHAPTER 1, SECTION 2 OF THE ST. GEORGE CITY CODE GRANTING THE FIRE CHIEF THE AUTHORITY TO PROHIBIT THE USE OF ANY IGNITION SOURCE, WITHIN THE CITY OF ST. GEORGE AND ESTABLISHING A PENALTY.**

**Whereas**, local fire officials are authorized to enforce the state fire code, pursuant to Utah Code Annotated § 53-7-104; and

**Whereas**, local fire officials may prohibit the use of fireworks and other ignition sources when hazardous environmental conditions necessitate controlled use, pursuant to Utah Code Annotated § 15A-5-202(3)(b) which amends the 2009 International Fire Code; and

**Whereas**, the Governor of the State of Utah has recommended that Cities and Town consider banning certain fireworks, open fires and other potential sources of fire within areas of the City or Town.

**NOW, THEREFORE, BE IT ORDAINED**, by the St. George City Council, as follows:

**Section 1. Repealer.** Any section of the St. George City Code which is not in compliance with this ordinance is hereby repealed.

**Section 2. Enactment.** Title 9, Chapter 1, Section 2 shall be enacted as follows:

9-1-2: AUTHORITY TO PROHIBIT THE USE OF ANY IGNITION SOURCE:

A. DEFINITIONS:

“Fire chief” means the person appointed by the City Council or the person he has authorized to act on his behalf.

“Hazardous environmental conditions” means any combination of extreme dryness or lack of moisture, windy conditions and the presence of dry weeds or other vegetation.

“Ignition source” means fireworks, lighters, matches, smoking materials, welding, cutting, grinding and similar means used to ignite fire or which may cause a fire.

“Fireworks” shall have the same meaning as found in Title 53, Chapter 7 of the Utah Code.

B. AUTHORITY OF LOCAL FIRE OFFICIAL TO ISSUE ORDERS: As authorized by State law, the fire chief is hereby authorized to issue orders prohibiting open burning, open fires, or

the use of any ignition source in any area of the City that is mountainous, brush-covered, or forest-covered if he has determined a hazardous environmental condition necessitates such an order. The order shall be in writing and shall be distributed as provided herein.

- C. **AREAS AFFECTED:** The fire chief shall determine what areas are subject to the prohibition and the extent of the prohibition and shall identify the same in a written order. The order may also include a map outlining affected areas.
- D. **PUBLIC NOTICE:** Copies of the written order shall be posted in at least three public places within the City, posted on the City website, and given to the local news media outlets.
- E. **PENALTY:** Any person who violates an order of the fire chief issued pursuant to this ordinance is guilty of a class B misdemeanor.

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect on July 1, 2012.

APPROVED AND ADOPTED by the City Council of the City of St. George, this \_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

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Daniel D. McArthur, Mayor

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Gay Cragun, City Recorder